

L. GRACE WADSWORTH

IBLA 81-871

Decided August 27, 1981

Appeal from decision of Nevada State Office, Bureau of Land Management, declaring mining claim abandoned and void. N MC-134450.

Affirmed.

1. Federal Land Policy and Management Act of 1976: Recordation of Mining Claims and Abandonment -- Mining Claims: Abandonment

The failure to file the instruments required by sec. 314 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1744 (1976), and 43 CFR 3833.1 and 3833.2 in the proper Bureau of Land Management office within the time periods prescribed therein conclusively constitutes abandonment of the mining claim by the owner.

2. Notice: Generally -- Regulations: Generally -- Statutes

All persons dealing with the Government are presumed to have knowledge of relevant statutes and duly promulgated regulations.

APPEARANCES: L. Grace Wadsworth, pro se.

OPINION BY ADMINISTRATIVE JUDGE HENRIQUES

L. Grace Wadsworth has appealed from the July 9, 1981, decision of the Nevada State Office, Bureau of Land Management (BLM), which declared the Gennesaret #5 lode mining claim, N MC-134450, abandoned and void for failure to file evidence of assessment work or notice of intention

to hold the claim on or before December 30, 1980, as required by section 314 of the Federal Land Policy and Management Act of 1976, (FLPMA), 43 U.S.C. § 1744(a) (1976), and 43 CFR 3833.2-1(a).

In her statement of reasons for appeal, appellant states that she had been in the hospital and was not aware of the December 30 filing date.

[1] The above-cited statute and regulations impose a conclusive presumption of mining claim abandonment for any failure to file the required instruments in the proper BLM office by the date on which they are due. The Board has no authority to excuse lack of compliance with the statute or to afford relief from the statutory consequences. Lynn Keith, 53 IBLA 192, 88 I.D. 369 (1981). Appellant should confer with BLM about the possibility of relocating her claim.

[2] The fact that appellant may have been unaware of the recordation requirements of FLPMA, while unfortunate, does not excuse compliance. Those who deal with the Government are presumed to have knowledge of the law and of the regulations duly adopted pursuant thereto. Federal Crop Insurance Corp. v. Merrill, 332 U.S. 380 (1947); Donald H. Little, 37 IBLA 1 (1978). 44 U.S.C. §§ 1507, 1510 (1976). The responsibility for complying with the recordation requirements rested with appellant.

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Douglas E. Henriques
Administrative Judge

We concur:

Bernard V. Parrette
Chief Administrative Judge

C. Randall Grant, Jr.
Administrative Judge

